



Attorney's Docket No. 001560-373

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

In re Patent Application of)

Kazuhiro OHSUYE et al)

Application Serial No.: 09/402,093)

Filed: September 29, 1999)

For: PROCESS FOR PRODUCING)
PEPTIDES USING A)
HELPER PEPTIDE)

Examiner: E. Slobodyansky

Group Art Unit: 1652

RESPONSE TO RESTRICTION REQUIREMENT

Assistant Commissioner For Patents
Washington, D.C. 20231

Sir:

In complete response to the Requirement for Restriction issued by the Patent and Trademark Office on June 26, 2001, applicants hereby elect with traverse the invention of Group I, claims 1-23 and 25-27 for prosecution in this application. Group I is directed to a vector and cell containing it and a method for preparing a peptide using said cell.

The traversal is based upon the fact that the instant application was filed under §371. Applicants are thus entitled to a "unity of invention standard" for determining restriction. It is respectfully submitted that "unity of invention" exists in the instant case. Group I relates to a vector and cell containing it, and a method for preparing a peptide using said cell. Group II is directed to a pharmaceutical composition comprising CLP-1. The GLP-1 derivative is obtained from the process of claim 14. These claims are thus all united by the underlying principle of a process for producing a peptide and use of said peptide. Unity of invention thus exists.

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Moreover, according to the MPEP § 803, a restriction between patentably distinct inventions is proper only where there is a serious burden on the Examiner to examine all the claims in a single application. This is true even when appropriate reasons exist for a restriction requirement.

In the present application, it is believed that because there is a close relationship between the subject matter of the two sets of claims, there would be no serious burden on the Examiner to examine all the claims at this time.

In view of the above, it is respectfully requested that the restriction requirement be withdrawn or at the very least altered.

In the event that there are any questions relating to this amendment or the application in general, it would be appreciated if the Examiner would contact the undersigned attorney at (508) 339-3684.

Early and favorable action in the form of a notice of allowance is respectfully requested.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

By: *Donna M. Meuth* #39,300
Donna M. Meuth
Registration No. 36,607

P.O. Box 1404
Alexandria, Virginia 22313-1404
(703) 836-6620
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